UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAILED

Application Number: 10/748,400
Filing Date: December 30, 2003
Appellant(s): SCHUESSLER, FREDERICK

NOV 1 9 2007

GROUP 3600

Oleg F. Kaplun
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed August 22, 2007 appealing from the Office action

mailed February 23, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,394,354	WILZ, SR. ET AL.	5-2002
7,062,474	REITER	6-2006
US 2005/0197892	BILIBIN ET AL.	8-2005

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilz, Sr. et

al. (6,394,354) in view of Reiter (7,062,474) and Bilibin et al. (US 2005/0197892).

3.   With respect to **Claim 1**: Wilz discloses a method for providing a user with a

personalized shipment system, comprising:

a.   registering a user by obtaining user data (Column 26, lines 60-65 wherein the user

is the "shipper" and the shipper is given a unique Shipper Identification Number which

Examiner considers to be the same as registering);

b.   associating the user data with a unique user identifier (Column 26, lines 60-65

wherein Examiner interprets the Shipper Identification Number to be equivalent to a

"unique user identifier");

c.   generating label data for each of a plurality of labels (Column 26, lines 25-29),

each label including a unique label identifier a machine language (Column 26, lines 25-

29);

d.   associating the label identifier with the user identifier in computer database

(Column 26, lines 16-20 and also Column 26, 55-68);

e.   receiving an item to be shipped including one of the labels and recipient data

including a destination data of the item (Column 26, lines 25-30);

f.   obtaining the unique label identifier and the machine language destination data

from the item using a machine capable of reading the machine language during the

shipment of the item (Column 26, 53-67 wherein Examiner considers Wilz's "unique

number assigned to each package", line 61 to be equivalent to "unique label identifier"

and "destination data" to be equivalent to "Destination Information Field" line 65);

g.   recording in the computer database tracking data based on the machine language

unique label identifier and the machine language data including the status of a package

(Column 26, 55-60).

4.   Wilz discloses putting shipping information into machine readable code, however, fails to

disclose determining if the label is in machine readable format, and if it is not, then translating

non-readable format into a machine readable format. Reiter discloses, using an OCR that reads

the address information and translating that in a barcode and the non-machine readable letters are

separated and turned to a separate barcode, therefor a determining step must be done (Column 5,

lines 13-25). It would have been obvious to one having ordinary skill in the art at the time the

invention was made, to modify Wilz to include the feature of determining if the data is in

machine readable format, and if it is not, then converting the data into machine readable format,

as disclosed by Reiter, in order to increase the efficiency in sorting and mailing, See Reiter

Column 2.

5.   Wilz discloses tracking the package using the user identifier, however fails to disclose

tracking the package data using only the user identifier. Bilibin discloses the use of a user

registering with a system, and where the user ID is used and a package table associated with the user, is displayed (See Figure 9, reference numeral 33b, My Tracking, Figures 76-82 and Paragraphs 0408, 0476 to 0484), therefore the examiner considers this using only the user id to obtain tracking information. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Wilz to include the package table of Bilibin, in order to easily look up information in a users account, and for a user to more easily keep track of his/her own shipments (See Bilibin, Pages 1, 28 and 29)

6.   With respect to **Claim 2**: Wilz discloses the machine language unique label identifier and the machine language destination data are stored on the item in form one of a barcode and an RFID tag (Column 26, line 26 and Fig 11B).

7.   With respect to **Claim 3**: Wilz discloses generating, using the label data, the plurality of labels by at least one of the user, postal delivery service and a predetermined third party provider (Column 26, 25-28).

8.   With respect to **Claim 4**: Wilz discloses wherein the tracking data includes time data and location data corresponding to the scanning (Figure 11B, 55L).

9.   With respect to **Claim 5**: Wilz discloses wherein the label data is stored in at least one of a barcode and an RFID tag (Column 26, line 26 and Fig 11B).

10.   With respect to **Claim 6**: Wilz discloses the machine language destination data includes at least one recipient name and a recipient address code (Column 26, 25-29).

11.   With respect to **Claim 7**: Wilz discloses the machine language destination data includes a further code identifying each of a plurality of recipient names which have the same recipient address code (Column 26, 25-29).

12.   With respect to **Claim 8**: Wilz discloses the label data includes optional additional data

generated by the user (Column 27, 1-12 which discloses Delivery Instructions Field which is

equivalent to optional additional data according to Appellant's specification Page 5 [0010] and

Column 27, 20-30 wherein Wilz discloses explicitly an Other Information Field).

13.   With respect to **Claim 9**: Wilz discloses wherein the label data, the destination data and

postage data are stored on the label as a two-dimensional barcode (Fig 13, 57 and Column 26,

25-29).

14.   With respect to **Claim 10**: Wilz discloses associating by the user the recipient address

code with a predetermined recipient identifier (Fig 11B 55E and 55D, wherein Examiner

considers the "Destination Identification Field" to be equivalent to the recipient identifier).

15.   With respect to **Claim 11**: Wilz discloses the tracking data includes the optional

additional data (Column 27, 1-12 which discloses Delivery Instructions Field which is equivalent

to optional additional data according to Appellant's specification Page 5 [0010] and Column 27,

20-30 wherein Wilz discloses explicitly an Other Information Field and FIG 11B 55G).

16.   With respect to **Claim 12**: Wilz discloses the tracking data includes an arrival date

indicative of one an actual date and an estimated date of arrival of the item at the destination (See

FIG 11B and Column 27, 12-13 wherein Wilz discloses disclosing the "expected date of deliver"

which is the equivalent of the estimated date of arrival).

17.   With respect to **Claim 13**: Wilz discloses a system for providing a user with a

personalized shipment system for shipment of an item, comprising:

h.   a first computing arrangement generating label data for each plurality of labels,

each label including a unique label identifier in a machine language (Figs 8 and 9 and

Column 26, 12-32);

i.   a second computing arrangement including a database and storing user data in the

database, the second computing arrangement associating the user data with a unique user

identifier and associating the unique label identifier with the user identifier in the

database (Figs 8 and 9 and Column 26, 12-32);

j.   a first shipment processing arrangement receiving an item to be shipped

(inherently Wilz must receive an item to be shipped), the item including one of the labels

and recipient data including destination data of the item (Column 26, 25-29),

k.   a second shipment processing arrangement obtaining the machine language

unique label identifier and the machine language destination data from the item during

the shipment (Column 28, 34-43), the second shipment processing arrangement recording

in the database tracking data based on the association of the label identifier and the

destination data including the status of a package (Column 28, 45-50).

18.   Wilz discloses putting shipping information into machine readable code, however, fails to

disclose determining if the label is in machine readable format, and if it is not, then translating

non-readable format into a machine readable format. Reiter discloses, using an OCR that reads

the address information and translating that in a barcode and the non-machine readable letters

are separated and turned to a separate barcode, therefor a determining step must be done

(Column 5, lines 13-25). It would have been obvious to one having ordinary skill in the art at the

time the invention was made, to modify the first shipment processing arrangement of Wilz to

include the feature of determining if the data is in machine readable format, and if it is not, then

converting the data into machine readable format, as disclosed by Reiter, in order to increase the

efficiency in sorting and mailing, See Reiter Column 2.

19.   Wilz discloses tracking the package using the user identifier, however fails to disclose

tracking the package data using only the user identifier. Bilibin discloses the use of a user

registering with a system, and where the user ID is used and a package table associated with the

user, is displayed (See Figure 9, reference numeral 33b, My Tracking, Figures 76-82 and

Paragraphs 0408, 0476 to 0484), therefore the examiner considers this using only the user id to

obtain tracking information. It would have been obvious to one having ordinary skill in the art at

the time the invention was made to modify Wilz to include the package table of Bilibin, in order

to easily look up information in a users account, and for a user to more easily keep track of

his/her own shipments (See Bilibin, Pages 1, 28 and 29)

20.   With respect to **Claim 14**: Wilz discloses the machine language unique label identifier

and the machine language destination data are stored on the item in one of a barcode and an

RFID tag, and wherein the first shipment processing arrangement includes at least one of a

barcode reader, a barcode writer, an RFID tag reader and an RFID tag writer (Figs 9, 10, 11, 13

and 14 and Column 26, 25-29).

21.   With respect to **Claim 15**: Wilz discloses a printing arrangement generating the plurality

of labels by at least one of the user, a postal delivery service and a predetermined third party

provider using the label data (Fig 9, 35 and Column 26, 25-29).

22.   With respect to **Claim 16**: Wilz discloses the printing arrangement includes at least one

of a barcode writer and an RFID tag writer (Fig 9, 35 and 37 and Column 26, 25-29).

23.   With respect to **Claim 17**: Wilz discloses the tracking data includes time and location data corresponding to receipt of the item by the second shipment processing arrangement (Fig 11B, 55M-J and Fig 14, A-C).

24.   With respect to **Claim 18**: Wilz discloses the machine language recipient data includes at least one recipient name and a recipient address code (Column 26, 25-29).

25.   With respect to **Claim 19**: Wilz discloses the machine language destination data includes a further code identifying each of a plurality of recipient names which have the same recipient address code (Figure 11B and Column 26, 65-67 wherein Wilz discloses a destination information field which is certainly capable of having a plurality of names which have the same recipient address code).

26.   With respect to **Claim 20**: Wilz discloses the label data includes optional additional data generated by the user (Column 27, 1-12 which discloses Delivery Instructions Field which is equivalent to optional additional data according to Appellant's specification Page 5 [0010] and Column 27, 20-30 wherein Wilz discloses explicitly an Other Information Field).

27.   With respect to **Claim 21**: Wilz discloses the label data, the machine language recipient data and postage data are stored on the label as a two-dimensional barcode (Fig 13, 57 and Column 26, 25-29).

28.   With respect to **Claim 22**: Wilz discloses the user associates the recipient address with a recipient identifier (Column 26, 25-29).

29.   With respect to **Claim 23**: Wilz discloses the machine language recipient data includes a further code indicative of each of a plurality of recipients located at the destination (Figure 11B, 55D and Column 26, 65-67 wherein Wilz discloses a destination information field which the

system is certainly capable of having a further code indicative of a plurality of recipients located

at the destination because it also has a separate Zip Code field).

30.   With respect to **Claim 24**: Wilz discloses the tracking data includes an arrival date

indicative one of an actual date and an estimated date of arrival of the item at the destination (See

FIG 11B and Column 27, 12-13 wherein Wilz discloses disclosing the "expected date of deliver"

which is the equivalent of the estimated date of arrival).

(10) Response to Argument

With respect to Appellant's argument that Bilibin accesses the system using a User ID

and a password, and therefore does not disclose providing tracking data using only the user

identifier and the destination data: Bilibin discloses a user accessing the system which allows the

user to perform multiple tasks; one of which is tracking packages. The request for tracking

packages is performed by the user clicking on the "track it" tab at the top of the screen, as seen in

Figures 76-82. The claims state providing information using only the user identifier and the

destination data in the request, the claims do not state that this is the only information contained

in the request. The request may contain other information, however the tracking data is only

provided using the user identifier and the destination data. The password of Bilibin is not used to

provide the tracking data, but is simply a means for the user to access the system.

The appellant is arguing that the tracking number of Bilibin is needed to retrieve tracking

data, therefore Bilibin does not teach that the tracking data is provided using only the user

identifier and the destination data. Bilibin teaches two separate methods of tracking, In Figure

68 for example, it allows a user to enter a tracking number to retrieve tracking data. However,

Bilibin also teaches, tracking all inbound and outbound packages. A shipping log, in Figure 77, shows all packages, status information and destination information, such as in Figure 78. The tracking data may be tracked by a tracking number, but the information is provided based on the user which is signed in, which the examiner considers to be the user identifier, and when the appellant clicks on "inbound" packages, the examiner considers this to be destination data, since it is inbound. Therefore even though the system may use the tracking number to identify and track the packages. The tracking data, once the initial tracking number is entered into the system, the tracking data is subsequently "provided" to the user using only the user identifier and the package destination data, for inbound packages.

With respect to Appellant's argument that the shipping log is retrieved from a database, which contains a package table that includes the tracking number: Even though the details of the package may contain the tracking number, the information is still only provided to the user using only the user identifier, and when tracking inbound packages, then the destination data of the user. The appellant states that Bilibin teaches that the only way to look up a package is through the system tracking Number. Bilibin teaches this is an option, such as the "quick track" option, this is not the only way to look up information. Bilibin also teaches another way to look up information, and that is based on the user, and inbound, or outbound packages. Therefore the examiner considers Bilibin to disclose the capability of using only the user identifier and the destination data to provide tracking data, specifically for inbound packages in the shipping log.
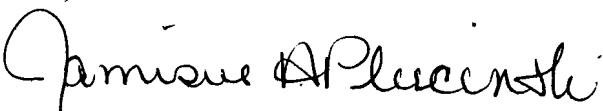
(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related

Appeals and Interferences section of this examiner's answer.

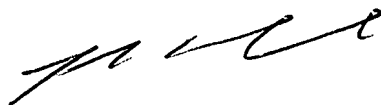For the above reasons, it is believed that the rejections should be sustained.
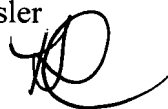
Respectfully submitted,

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